UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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EDWARD BERNARD CLAI,			
Petitioner,	3:05-cv-	0558-RLH (RAM)	
vs.	MINUTES OF THE COURT		
ELDON K. McDANIEL, et al.,	Date: December 16, 2005		
Respondents.	/		
PRESENT: THE HONORABLE <u>ROBERT A. McC</u>	<u>QUAID, JR.,</u> UNITEI	O STATES MAGISTRATE JU	JDGE
DEPUTY CLERK: LORI M. STORY	REPORTER: _	NONE APPEARING	_
COUNSEL FOR PETITIONER: NON	E APPEARING		
COUNSEL FOR RESPONDENTS: <u>N</u> O	ONE APPEARING		
MINUTE ORDER IN CHAMBERS: X	XXX		

Petitioner has filed a "Motion for Reconsideration of Appointment of Counsel" (docket #6). In that document, petitioner requests appointment of counsel because he is unschooled in the law. This motion, as the previous motion and his petition have apparently been prepared by an inmate law clerk, Tony Williams. This inmate law clerk has done an admirable job thus far and petitioner has not indicated any reason that he might be unable to continue with Mr. Williams' help or with the help of other similarly qualified inmate assistance.

The United States Magistrate Judge has considered the request and finds that appointment of counsel remains unwarranted in this case. There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such

that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). These factors do not weigh in petitioner's favor.

IT IS THEREFORE ORDERED that petitioner's "Motion for Reconsideration of Appointment of Counsel" (docket #6) is **DENIED**.

LAN	CES. WILSON,	, CLERK
By:	/s/	
Deputy Clerk		